UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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OBI DANIEL,

Plaintiff,

-against-

THE CITY OF NEW YORK, FATMIR USENI, "JOHN" RILEY and JOHN and JANE DOE 1 through 10, individually and in their official capacities, (the names John and Jane Doe being fictitious, as the true names are presently unknown),

Defendants.

STIPULATION AND ORDER OF SETTLEMENT AND DISCONTINUANCE

07 CV 3810 (ILG)(RML)

WHEREAS, plaintiff commenced this action by filing a complaint on or about September 12, 2007, alleging that defendants violated his constitutional rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

WHEREAS, plaintiff has authorized his counsel to settle this matter on the terms set forth below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff the total sum of THIRTY THOUSAND DOLLARS ($30,000.00) in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against the City of New York and to release the individually named defendants Fatmir Useini and Thomas Reilly, Shield No. 5177 a/k/a "JOHN" Reilly and any present or former employees or agents of the City of New York, from any and all liability, claims, or rights of action that have or could have been alleged by plaintiff in this action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a general release based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by the City of New York that it has in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

6. This Stipulation and Order contains all the terms and conditions agreed

upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
May , 2008

Brett H. Klein, Esq.
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Brooklyn, New York 10005
Attorney for Plaintiff OBI DANIEL
(718) 722 -4100

By: ______________________
Brett H. Klein (BK4749)

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants City of New York
& Fatmir Useini and Thomas Reilly
100 Church Street
New York, N.Y. 10007
(212) 788-1894

By: ______________________
David M. Pollack (DP 3873)
Assistant Corporation Counsel

SO ORDERED:

s/ILG
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U.S.D.J.

6/9/08